

AGENDA

CITY OF TAYLOR, TEXAS

PLANNING AND ZONING COMMISSION MEETING

City Hall Council Chambers
400 Porter Street, Taylor, TX 76574

October 10, 2017 6:00 P.M.

CALL TO ORDER AND DECLARE A QUORUM

CITIZENS COMMUNICATION

CONSENT AGENDA

(The Consent Agenda includes non-controversial and routine items that the Board may act on with one single vote. The Chairman or a Board member may pull any item from the Consent Agenda in order to discuss and act upon it individually as part of the Regular agenda.)

1. Review and approve minutes from the meeting on September 12, 2017.

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

2. **PZ-2017-1067 – Public Hearing** on a Replat of parts of Lot 2, 3, and 21, Block 3, North Drive Subdivision, to be known as Slate Mountain Enterprises Subdivision, located at 2303 Lathan Lane, in the Single Family Residential (R-1) Zoning District.
3. **PZ-2017-1067 – Take Action** on a Replat of parts of Lot 2, 3, and 21, Block 3, North Drive Subdivision, to be known as Slate Mountain Enterprises Subdivision, located at 2303 Lathan Lane, in the Single Family Residential (R-1) Zoning District.
4. **PZ-2017-1061 – Public Hearing** on a Specific Use Permit for 1400 West 2nd Street, being Doak Addition, Block 56, parts of Lots 1 and 2, to permit the specific use of 'New and Used Auto Sales', for the display and sale of up to five (5) cars maximum, in the Local Business (B-1) District. (Ordinance 2017-27)
5. **PZ-2017-1061 – Take Action** on a Specific Use Permit for 1400 West 2nd Street, being Doak Addition, Block 56, parts of Lots 1 and 2, to permit the specific use of 'New and Used Auto Sales', for the display and sale of up to five (5) cars maximum, in the Local Business (B-1) District. (Ordinance 2017-27)
6. **PZ-2017-1064 - Public Hearing** on a Specific Use Permit for 2210 West 2nd Street, being 1.45 acres in the W.R. Williams Survey, to permit the specific use of 'Florist Shop' in a portion of the existing building, in the Light Industrial (M-1) Zoning District. (Ordinance 2017-29)
7. **PZ-2017-1064 - Take Action** on a Specific Use Permit for 2210 West 2nd Street, being 1.45 acres in the W.R. Williams Survey, to permit the specific use of 'Florist Shop' in a portion of the existing building, in the Light Industrial (M-1) Zoning District. (Ordinance 2017-29)

8. **PZ-2017-1065 – Public Hearing** on a Specific Use Permit for 1100 West 2nd Street, being Doak Addition, Block 53, Lot 15, to permit the specific uses of 'Motorcycle Sales and Repair' and 'New and Used Auto Sales' in the Local Business (B-1) Zoning District. (Ordinance 2017-28)
9. **PZ-2017-1065 – Take Action** on a Specific Use Permit for 1100 West 2nd Street, being Doak Addition, Block 53, Lot 15, to permit the specific uses of 'Motorcycle Sales and Repair' and 'New and Used Auto Sales' in the Local Business (B-1) Zoning District. (Ordinance 2017-28)
10. Consider an update regarding Council actions related to Planning and Zoning items.

ADJOURN

Next Meeting Date: November 14, 2017

The Board may vote and/or act upon each of the items listed in this Agenda. The Board reserves the right to retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act. I certify that the notice of meeting was posted in the Taylor City Hall Lobby before 6:00 pm on October 06, 2017 and remained posted for at least 72 continuous hours before the scheduled time of said meeting. I further certify that the following news media was notified of this meeting: Taylor Daily Press

Posted By: Carrie Orts

Carrie Orts Administrative Assistant to Development Services

Date: 10.6.17

**MINUTES
CITY OF TAYLOR, TEXAS
400 Porter Street, Taylor Texas 76574
PLANNING AND ZONING COMMISSION MEETING
September 12, 2017 6:00 p.m.
City Council Chamber**

PRESENT

Don McAlister
Annette Maruska
Faith Gardner
Michael Aplin
Leland Stevens
Mike Eaton

ABSENT

Donna Frazier
Rick Selin
Betty Day

OTHERS PRESENT

Ashley Lumpkin, Director Development Services
Michael Elabarger, Senior Planner
Carrie Orts, Assistant Development Services

CALL TO ORDER AND DECLARE A QUORUM

The meeting was called to order and a quorum declared at 6:00 p.m.

CITIZEN COMMUNICATION

None

CONSENT AGENDA

(The Consent Agenda includes non-controversial and routine items that the Commission or Board may act on with one single vote. The Chairman or a Board member may pull any item from the Consent Agenda in order to discuss and act upon it individually as part of the Regular agenda.)

Review and approve minutes from the August 8, 2017.

Motion made by Mrs. Maruska to approve minutes as written from the August 8, 2017 meeting.
Second by Mr. Eaton. All voted Aye.

PZ-2017-1055 – Consider Approval on a Final Plat of 6.526 acres in the William J. Baker Survey, Abstract No. 65, to be known as Parkside by Mondel Subdivision, generally located at the southwest corner of Mallard Lane and Davis Street.

Mr. Elabarger made presentation on the request, including the recommendation of approval of the plat, as it meets all of the technical requirements of the Subdivision Ordinance. Mr. Eaton made motion to approve final plat know as Parkside by Mondel. Second by Mrs. Maruska. All voted aye.

PZ-2017-1052 – Consider Approval on a Preliminary Plat of 38.98 acres in the George Reese Survey, Abstract No. 533, to be known as Taylor Prosperity Square Subdivision, generally located at the southwest corner of FM 973 and Carlos G. Parker Boulevard (aka State Highway 79).

Mr. Elabarger made presentation on the request, including the recommendation of approval of the plat, as it meets all of the technical requirements of the Subdivision Ordinance. Jen Henderson, representative was present to answer questions. There was discussion between Board members and the Representative.

Mrs. Frazier made motion to approve Final Plat known as Taylor Prosperity Square Subdivision.
Second by Mrs. Maruska. All voted aye.

PZ-2017-1054 – Public Hearing on a Specific Use Permit for 407 West 6th Street, to permit a Studio, Health/Reducing/Fitness or Similar Service/Establishment Use (specifically a Yoga Studio), in the High Density Multifamily Zoning District. (Ordinance 2017-23)

Hearing opened. Mr. Elabarger made presentation on the request, including the recommendation of approval of the Specific Use Permit request, subject to the proposed Conditions. Jennifer Brown, Owner was present to answer questions. There was discussion between Staff, Board and the Applicant. Hearing closed.

PZ-2017-1054 – Take Action on a Specific Use Permit for 407 West 6th Street, to permit a Studio, Health/Reducing/Fitness or Similar Service/Establishment Use (specifically a Yoga Studio), in the High Density Multifamily (MF-2) Zoning District. (Ordinance 2017-23)

Mr. Selin made motion to recommend approval to City Council. Second by Mr. Eaton.

PZ-2017-1062 - Public Hearing on a Specific Use Permit for 2109 East 4th Street, to permit an Event/Wedding Center use, in the Single Family Residential (R-1) Zoning District. (Ordinance 2017-24)

Hearing opened. Mr. Elabarger made presentation on the request, including the recommendation of approval of the Specific Use Permit request, subject to the proposed Conditions. Dawson Clark, Applicant was present to answer questions. Two Residents spoke regarding the existing drainage conditions of their properties. There was discussion between Board, Staff, Owner and the Applicant. Hearing closed.

PZ-2017-1062 - Take Action on a Specific Use Permit for 2109 East 4th Street, to permit an Event/Wedding Center use, in the Single Family Residential (R-1) Zoning District. (Ordinance 2017-24)

Mrs. Marsuka made motion to approve to City Council. Second by Mr. Eaton. All voted aye.

Conduct Public Hearing and make a recommendation to amend Chapter 28, Vegetative Ordinance to update Section 28-29 – Landscape Plan Requirements and 28-31 – Tree Preservation and Protected Trees, Appendix A – Preferred Plant List, and Appendix B, Invasive Plants. (Ordinance 2017-15)

Hearing opened. Mrs. Lumpkin gave updates on an Ordinance Amending Zoning Ordinance NO. 2010-12. Mr. Werchan spoke about his past experience with the Tree Ordinance. There was discussion between the Staff and Mr. Werchan. Hearing closed.

Motion made by Mrs. Frazier to recommend approval to City Council. Second by Ms. Day. All voted aye.

Conduct Public Hearing and make a recommendation to Amend Chapter 11, Definitions, to clarify and update zoning definitions pertaining to ‘Donation Containers’ and ‘Recycle Bins’ and add language to Chapter 3.5.3, Zoning Ordinance – Commercial Accessory Uses, to create Donation Containers and Recycle Bin regulations. (Ordinance 2017-16)

Hearing opened. Mrs. Lumpkin gave updates on a recommendation to Amend Chapter 11 to Donation Containers and Recycle Bins. There was discussion between Board and Staff. Hearing closed.

Mrs. Frazier made motion to recommend approval to City Council with amendment. Second by Ms. Day. All voted aye.

Discussion regarding owner/applicant attendance.

Moved to future meeting.

Consider an update regarding Zoning Ordinance Use Chart Updates, parking in yards, and driveway standards for large lots.

Mr. Elabarger gave update regarding Zoning Ordinance Use Chart Updates. Mrs. Lumpkin gave update on parking in yards and driveway standards for large lots. There was discussion between Board and Staff.

Consider an update regarding Council actions related to Planning and Zoning items.

Mrs. Lumpkin gave update regarding Council actions related to Planning and Zoning.

Adjourn

The meeting was adjourned at 7:06 p.m.

Carrie Orts
Administrative Assistant Development Services

Don McAlister
Planning & Zoning Commission Chairman

PZ-2017-1067

Slate Mountain Enterprises

Subdivision Final Plat (Replat)



Applicant Information:

Applicant: Shannon Sutton (Owner), Corey Hall (Applicant)

Applicant Request: Request approval of a one-lot Resubdivision Plat (Replat)

Subject Property:

Location: 2303 Lathan Lane

Legal Description: Parts of Lot 2, 3, and 21, Block 3, North Drive Subdivision

Existing Zoning: R-1, Single family Residential District

Utilities: Property is already served by all utilities

Existing Use of Property: Undeveloped

Adjacent Zoning and Land Use Pattern:

<u>Direction</u>	<u>Current Zoning</u>	<u>Existing Land Use</u>
North	R-1 Single Family Residential	Single family dwelling
South	R-1 Single Family Residential	Single family dwelling
East	R-1 Single Family Residential	Single family dwelling
West	MF-2 – High Density Multifamily	Single family dwelling

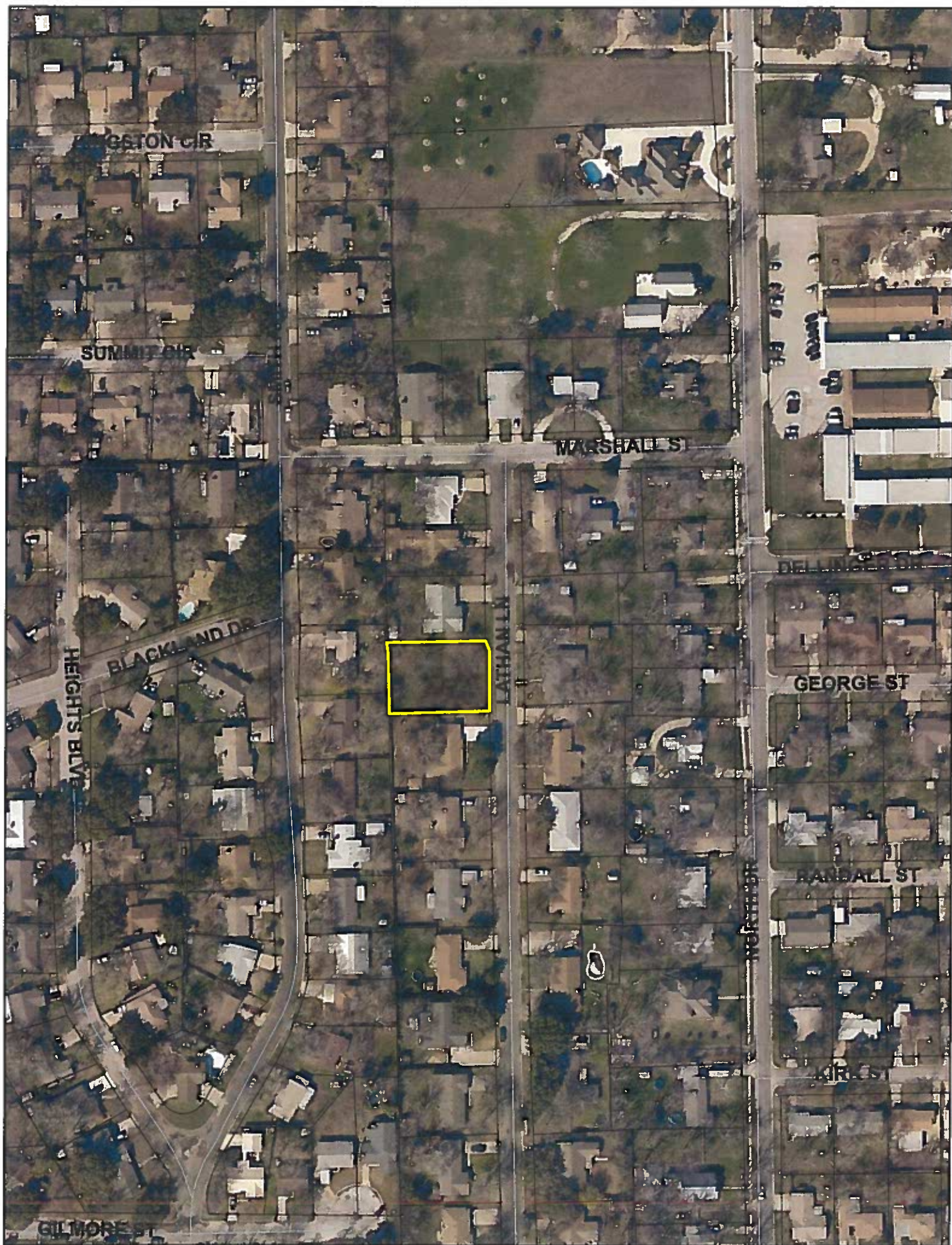
Case Summary

The subject tract is located mid-block on the west side of Lathan Lane. The applicant is proposing a Final Plat of approximately 0.277 acre to create one lot, which exists via a deed as the northern half of original Lot 3, the southern two-thirds of original Lot 2, and a portion of original Lot 21, out of Block 3 of the North Drive Subdivision, which was created in 1957. The proposed plat will facilitate single family development under the current R-1 District zoning. The plat has met all of the City's subdivision regulation requirements. Per Section 212.015, a Public Hearing is required to be held due to the single-family zoning of the property.

Staff Recommendation

Staff recommends approval of the Final Plat (Replat).

Attachments: Aerial Photograph
Final Plat



PZ-2017-1061
1400 West 2nd Street
Specific Use Permit for ‘New and
Used Auto Sales’ in B-1 District



Applicant Information:

Applicant: Cameron Hobbs/Premier Automotive (Applicant/Owner).
Applicant Request: Specific Use Permit (SUP) for the “New and Used Auto Sales” use in the B-1 Zoning District

Subject Property:

Location: 1400 West 2nd Street (corner of Vernon Street)
Legal Description: Doak Addition, Block 56, Parts of Lot 1 and 2 (0.214 acre / 9,316 SF)
Existing Zoning: B-1 – Local Business District
Utilities: Service area of City Water and Wastewater; ONCOR Electric
Existing Use of Property: Developed with a non-residential building and parking area.
Adjacent Zoning and Land Use Pattern:

<u>Direction</u>	<u>Current Zoning</u>	<u>Existing Land Use</u>
North	B-1 – Local Commercial District	Single-family detached
South	M-1 – Light Industrial District (across 2 nd St.)	(across 2 nd St.) Industrial
East	B-1 – Local Commercial District (across Victoria St.)	(across Vernon St.) Manufactured Homes
West	B-1 – Local Commercial District	Commercial

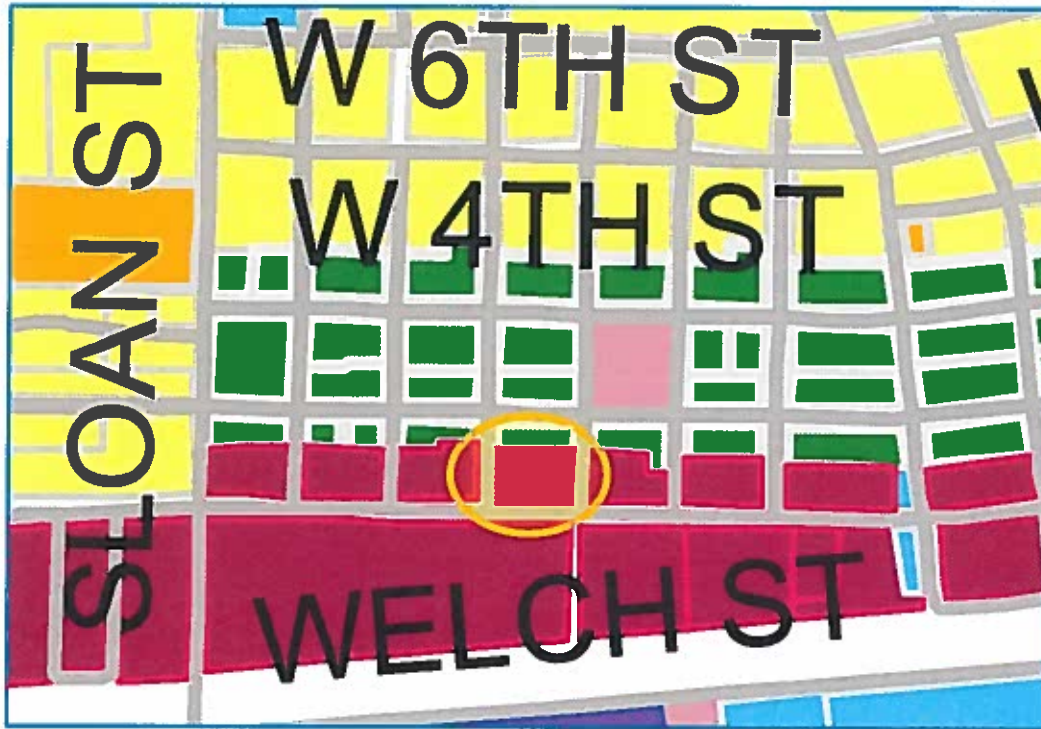
Application Summary

The proposal is to establish the “New and Use Auto Sales” specific use on this legal nonconforming (both platting status and site development) property, which is not a permitted use in the (current zoning of) B-1 Local Business District. The applicant currently operates an Automotive Repair business (Certificate of Occupancy issued 02-19-14 for an “Auto Shop” use). The applicant has proposed several operational conditions, which are captured in the proposed Conditions of Operation further in this report. These Conditions will also be referenced and attached to the Ordinance.

The B-1 District is described in the Zoning Ordinance as ‘provid(ing) for adequate high-density commercial development within the City, while maintaining consistency and continuity within the community.’

Comprehensive Plan – Future Land Use Map

The City's Future Land Use map, part of the Comprehensive Plan, recognizes this property as being appropriate for "Commercial", as is nearly all properties along the north and south sides of 2nd Street between Sloan and Davis Streets. The scope, scale, and intensity of that development is governed by the zoning districts and their provisions. See the clip below from the Future Land Use map, which clearly shows the expected trend of general uses (red is Commercial, green is Downtown Neighborhood).



Zoning Ordinance

The City's Zoning Ordinance, in Table 3.10, lists the specific use – **"New and Used Auto Sales"** – as being a Permitted (P) use in the B-2, M-1, and M-2 zoning districts.

TABLE 3.10 — AUTOMOBILE AND RELATED USES																
Residential Districts									Misc. Districts			Nonresidential Districts				
R-A	R-1	R-2	R-3	MH	D	M	MF-2	Permitted Uses	DN	I	P	B-1	B-2	B-3	BP-1	BP-2
						F-1		Motor Cycle Sales and Repair								
								New and Used Auto Sales				P				P

Chapter 11 of the Ordinance has two, separate, definitions that capture this use:

Auto Sales (New) - Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.

Auto Sales (Used) - Retail sales, or offering for sale, used automobiles or light load vehicles.

Section 8.2 of the City's Zoning Ordinance describes Specific Use Permits; see below:

8.2 - Specific Use Permits

8.2.1 Public Hearing, Review and Recommendation

Before authorization of any specific use permit, the request shall be referred to the Planning and Zoning Commission for their recommendation concerning the effect of the proposed use on the Comprehensive Plan and on the character and development of the area.

Notice of public hearings held by the Planning and Zoning Commission shall be given by sending written notice to all owners of property to which the proposed change would apply and to all owners of property located within two hundred (200) feet of any property affected or to be changed thereby, such notice to be served at least ten (10) days prior to the date set for the public hearing.

A second public hearing shall be held by the City Council before adopting any proposed amendment, supplement, change or modification. Notice of such public hearing shall be given by publication at least one time in a newspaper of general circulation in the City, which notice shall state the time and place of hearing and which date of publication shall be at least ten (10) days prior to the date set for public hearing.

8.2.2 Review and Action

The City Council by an affirmative three-fourths (¾) vote may grant a specific use permit for uses that are otherwise not permitted by-right by this Ordinance, and may impose appropriate conditions and safeguards, including a specified period of time for the permit to protect the Comprehensive Plan and to conserve and protect property values.

Section 8.2.2 allows the City Council to consider an SUP for a use not otherwise permitted by-right in a certain zoning District. Council's approval of such an SUP requires a ¾ majority. The applicant is following this process to request this use.

Analysis

The property is currently utilized as an Automotive Repair business, having been established in February of 2014. The site is principally developed with an approximately 5,000 square foot non-residential building utilized for auto repair work. The property is relatively small (approximately 0.214 acre/9,316 SF, with 125' feet of frontage, and 75 foot of depth), with on-site areas utilized for vehicle maneuvering and storage (but no 'legal' parking spaces per current Zoning Ordinance regulations). By these dimensions and the existing site improvements, it is limited in the size and capacity for some particular (B-1 District) permitted uses that could be performed on the property.

Google Street-view (September 2016):



The applicant has stated that there is sufficient space on the property to locate up to five (5) vehicles in a for-sale display area on the southeast corner of the property, which is the corner of Vernon and 2nd Streets. This corner provides the most visibility to the vehicles, which is advantageous to the applicant. It also creates the most visual impact of the use to the general public. Attachment 3 contains the applicant's sketch of the property, indicating how vehicles currently operate on the property, as well as the proposed location for the for-sale display cars. The drawing contains no dimensions, and is not to scale, which is evidenced when compared to the aerial photograph below. Given the property boundaries, the current operations utilize the Vernon Street right-of-way as well as the north/south alley.



The West 2nd Street corridor is the principal gateway into the City for the majority of trips, and especially of those of people who are new to or visiting Taylor. The roadway, which also acts as Business Highway 79 and underwent a significant reconstruction approximately five years ago, is owned and under maintenance control of the City. A large number of nonconforming uses, buildings, and site improvements exists on both the north and south sides of the roadway. Many of the properties are very old, in poor condition, and suffer from the original lot layout that occurred in the Doak Addition (circa 1891), which created small, residential-scale (at the time) lots. Most have transitioned to non-residential uses, which is appropriate when fronting a four-to-five lane roadway, but do not lend themselves well to harmonious non-residential development per modern development standards.

The appearance and functionality of this street, despite the inherent and built limitations just noted, continues to improve. To date, the City's means of regulating land use, and to that end, the appearance of development, has been fairly limited. While there are examples of good renovation and new-build development along the corridor, which have brought positive economic growth, there continue to be blighted and underutilized properties that hamper the overall trend of improvement.

The current zoning designation of the north side of West 2nd Street, which extends north to 3rd Street, and from Talbot Street to the interchange with the Highway 79 by-pass, is the B-1 Local Business District. Three (3) properties (500, 1108, and 1504 West 2nd Street) have achieved higher zoning of the B-2 District, while City records indicate a Specific Use Permit was approved (Ordinance 2016-01, 02-25-16) for the 'major automotive repair (not including painting)' use at 922 West 2nd Street.

Proposed Conditions of Operation

1. **Applicability** - The Specific Use Permit shall be for Cameron Hobbs (Owner of Property and Premier Automotive) to perform the "New and Used Auto Sales" use located on, and within the existing site features of, the property, as shown on Ordinance Exhibit B and per these Conditions. No changes or improvements are proposed.
2. **Expiration** - The Specific Use Permit shall cease to be valid when/if Cameron Hobbs is no longer the property tenant, Owner, or operator of the business known as Premier Automotive conducting the "New and Use Auto Sales" use on or within the property.

3. Outdoor Display # - Maximum number of for-sale Automobiles to be displayed outside the building shall not exceed five (5).
4. Outdoor Display Location - The area for Outdoor display of for-sale Automobiles shall be per Ordinance Exhibit B, in the southeast corner of the property.
5. All applicable Zoning Ordinance, Building Code, and Fire Code requirements for the establishment of the "Motorcycle Sales and Repair" use shall be met during the Certificate of Occupancy process.

Staff Recommendation / Findings

Staff provides no recommendation on this request, as there are reasons to both support and not support the addition of Automobile sales to this property, as evidence by the Findings for Approval and Denial below. The Commission may opt to reference either set of Findings with the recommendation of their choice.

Findings for Approval:

1. The Conditions of Approval are meant to ensure a level of development that would improve upon the existing conditions of the property, and ensure that no negative impacts arise from the proposed use compared to those that could be expected from by-right permitted uses eligible to occur on the property.
2. The Comprehensive Plan Future Land Use map establishes the northern side of West 2nd Street as being appropriate for "Commercial" uses. This category is a wide-ranging distinction, and does not provide adequate guidance as to whether the sale of Automobiles is an inappropriate "commercial" use.
3. The B-2 Zoning District, which exists on several properties on the north side of 2nd Street, would permit the proposed use by-right, with no limitations on the number or location of automobiles.

Findings for Denial:

1. The property is already intensely utilized as an Automotive Repair business, with many vehicles moved about the south and east ends of the property in close proximity to 2nd and Vernon Streets.
2. Adding the authorization to store and display up to 5 vehicles for sale will only intensify the existing use, and impacts, of the property.
3. The current state of the property's development is Legal Nonconforming, meaning it could not develop in the same manner under the current development regulations, which are meant to create orderly development that minimizes impacts on surrounding streets and properties.
4. A homestead-exempt residential property (residence) exists adjacent to the north.

Attachments:

1. Ordinance 2017-27
2. Ordinance Exhibit A – Legal Description (Survey & Deed)
3. Ordinance Exhibit B - Proposed Site Layout of property
4. Ordinance Exhibit C – Proposed Conditions of Operation
5. Aerial Photo

ORDINANCE NO. 2017-27

AN ORDINANCE APPROVING A SPECIFIC USE PERMIT FOR PROPERTY BEING DOAK'S ADDITION, BLOCK 56, PARTS OF LOTS 1 AND 2, LOCATED AT 1400 WEST SECOND STREET IN TAYLOR, WILLIAMSON COUNTY, TEXAS, FOR A NEW AND USED AUTO SALES USE IN THE LOCAL BUSINESS DISTRICT B-1; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF TAYLOR, TEXAS, TO SHOW THE SPECIFIC USE PERMIT ADOPTED HEREIN; PROVIDING A SAVINGS CLAUSE.

WHEREAS, the Taylor City Council conducted a public hearing on October 26, 2017, to consider the request made by Cameron Hobbs, as Applicant and Owner of the property, respectively, which property is legally described in Exhibit "A" attached hereto and incorporated by reference herein for all purposes ("Property"), to request a Specific Use Permit for a New and Use Auto Sales use, which is not a use permitted within the B-1 Local Business District; and

WHEREAS, the Planning and Zoning Commission, after proper notice, conducted a public hearing on October 10, 2017, to consider the Specific Use Permit, and recommended the Specific Use Permit to the City Council; and

WHEREAS, per Zoning Ordinance Section 8.2.2, the City Council by an affirmative three-fourths (3/4) vote may grant a Specific Use Permit for uses that are otherwise not permitted by-right by this Ordinance, and may impose appropriate Conditions and safeguards, including a specified period of time for the permit to protect the Comprehensive Plan and to conserve and protect property values.

WHEREAS, the City Council, after the public hearing, approves the request for the Specific Use Permit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR, TEXAS, that:

SECTION 1. The facts and recitations contained in the preamble of this Ordinance are hereby declared to be true and correct and are incorporated by reference herein and made a part hereof, as if copied verbatim.

SECTION 2. The Property is approved for a Specific Use Permit to allow a New and Use Auto Sales use per the attached Site Layout and Conditions of Operation contained in Exhibits "B" and "C".

SECTION 3. All other terms and conditions contained in the official zoning map, except as amended herein, shall continue and remain in full force and effect.

SECTION 4. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of the provisions thereof, other than the part so decided to be invalid or unconstitutional

SECTION 6. In accordance with Article VIII of the City Charter, Ordinance 2017-27 was introduced before the Taylor City Council on the 10th day of October, 2017.

PASSED, APPROVED, and ADOPTED on the _____ day of _____, 2017.

Jesse Ancira, Jr,
Mayor

ATTEST:

Susan Brock, City Clerk

APPROVED AS TO FORM:

Ted W. Hejl,
City Attorney

CERTIFICATE

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

I, Susan Brock, being the current City Clerk of the City of Taylor, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2017-27, passed and approved by the City Council of the City of Taylor, Texas, on the _____ day of _____, 2017, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this _____ day of _____, 2017.

Susan Brock
City Clerk

EXHIBIT A

[Legal Description – Survey/Field Notes]

DRAFT

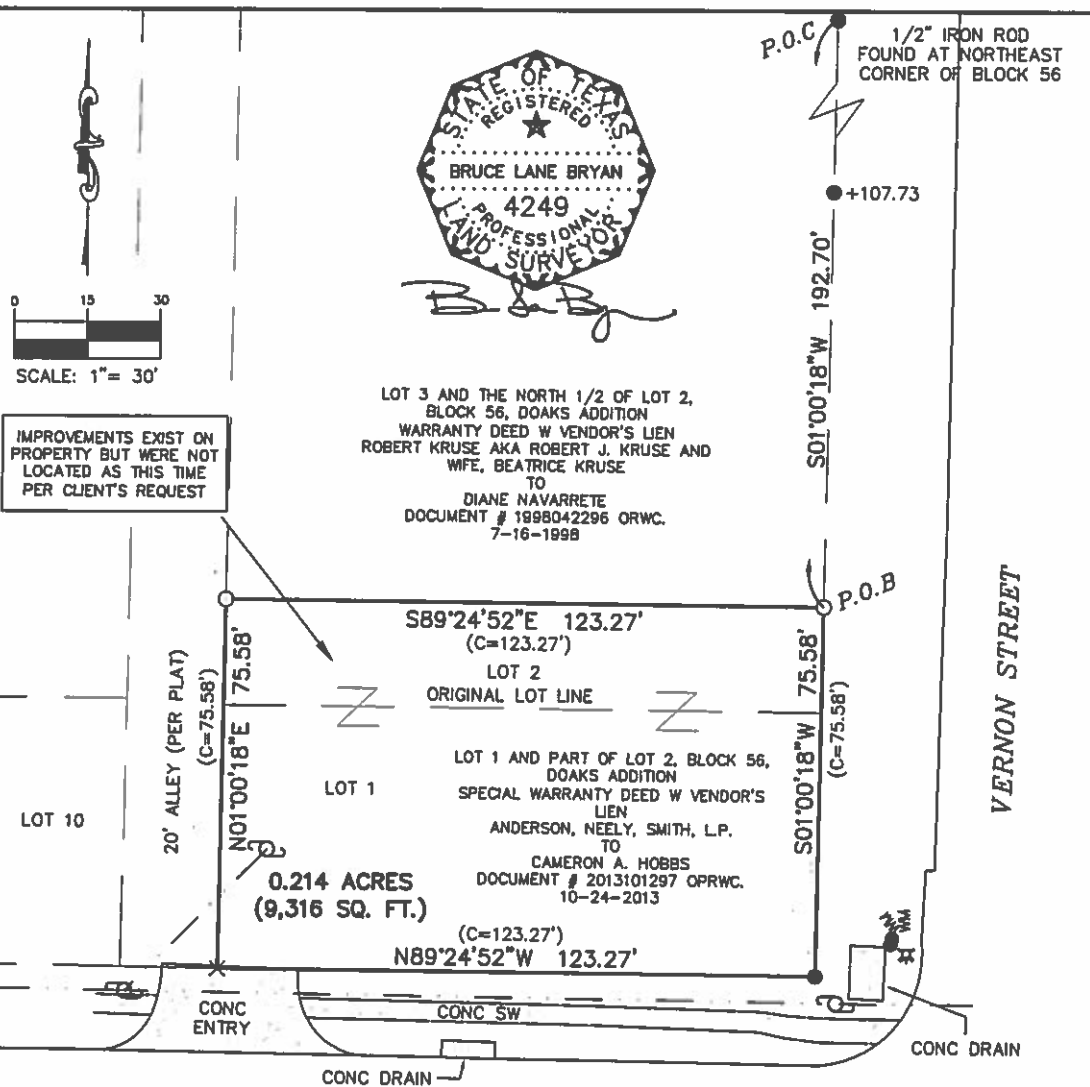
EXHIBIT B

SITE LAYOUT

DRAFT

EXHIBIT C:
CONDITIONS OF OPERATION:

DRAFT



LEGEND:

- 1/2" IRON ROD SET
- IRON ROD FOUND
- ✕ "X" SET IN CONCRETE
- ⊕ WATER METER
- ⊕ FIRE HYDRANT
- ⊕ POWER POLE
- OVERHEAD ELECTRIC

NOTE: BEARINGS SHOWN HEREON BASED ON TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE) NAD 83, 93 ADJUSTMENT.

THIS IS TO CERTIFY THAT, ON THIS DATE, A TRUE AND ACCURATE SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION OF PROPERTY LOCATED AT 1400 W. 2ND STREET IN WILLIAMSON COUNTY, TEXAS, DESCRIBED AS FOLLOWS: LOT 1 AND PART OF LOT 2, BLOCK 56, DOAKS ADDITION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 56, PAGE 483 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS. ALSO BEING DESCRIBED IN A SPECIAL WARRANTY DEED DATED 10-24-2013 AND RECORDED IN DOCUMENT NO. 2013101297 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

FLOOD NOTE:
THE PROPERTY DEPICTED HEREON IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE FLOOD AREA BEING IDENTIFIED ON F. I. R. M. PANEL NO. 48481 C08352 EFFECTIVE 9-28-2008 LOCATED IN ZONE "X".

NOTE: THIS TRACT IS SUBJECT TO EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS AND RIGHT TO CREATE ADDITIONAL PUBLIC UTILITY EASEMENTS, IF ANY, ACROSS SUBJECT PROPERTY AS SHOWN IN VOLUME 56, PAGE 483 PRWC.

TO: CAMERON HOBBS
RE: 1400 W. 2ND STREET, PROJ. NO. 17-615

NOTE: NO TITLE COMMITMENT SUPPLIED OR REVIEWED FOR THIS PROJECT. PARTIES TO THIS TRANSACTION ARE RESPONSIBLE FOR VERIFICATION OF ALL EASEMENTS, COVENANTS AND CONDITIONS WHICH MAY AFFECT THIS TRACT BUT ARE NOT SHOWN HEREON.

SURVEYORS CERTIFICATE

THE PLAT SHOWN HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS DETERMINED BY SURVEY, THE LINES AND DIMENSIONS OF SAID PROPERTY BEING AS INDICATED BY THE PLAT; THE SIZE, LOCATION AND TYPE OF BUILDINGS ARE AS SHOWN, ALL IMPROVEMENTS BEING WITHIN THE BOUNDARIES OF THE PROPERTY, SET BACK FROM THE PROPERTY LINES THE DISTANCES INDICATED. THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.

DATE: AUGUST 3, 2017

BRYAN TECHNICAL SERVICES, INC.

BTS

911 NORTH MAIN
TAYLOR, TX 76774

FIRM No. 10128500
surveying@austin.tx.com
bryantechnicalservices.com

PHONE: (512) 352-9090
FAX: (512) 352-9091

GF B00087216 -W

Georgetown Title Company, Inc. (4)

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

DATE: October 24, 2013

GRANTOR (whether one or more): ANDERSON, NEELY SMITH, L.P.

GRANTOR'S MAILING ADDRESS:

105 RED OAK CT. GEORGETOWN, TX. 78628

GRANTEE (whether one or more): CAMERON A. HOBBS

GRANTEE'S MAILING ADDRESS:

1614 Laurel Street
Taylor, Texas 76574

CONSIDERATION:

TEN DOLLARS (\$10.00) and a note of even date that is in the principal amount of ONE HUNDRED EIGHT THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$108,800.00), and is executed by Grantee, payable to the order of R BANK. The note is secured by a vendor's lien retained in favor of R BANK in this deed and by a deed of trust of even date from Grantee to MIKE SHAW, Trustee.

PROPERTY (including any improvements):

BEING Lot 1 and a part of Lot 2, Block 56, of DOAK'S ADDITION, an addition in and to the City of Taylor, Williamson County, Texas, according to the map or plat thereof recorded in Volume 56, Page 483, Deed Records, Williamson County, Texas and being more fully described by metes and bounds on Exhibit "A" attached hereto and made a part hereof.



DEED
4 PGS

2013101297

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Easements and rights-of-way of record; ad valorem taxes for 2013; all presently recorded restrictions, reservations, covenants, conditions, and mineral severances, that affect the property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors and assigns forever. Grantor hereby binds Grantor and Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the property to Grantee, Grantee's heirs, executors, administrators, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, when the claim is by, under, or through Grantor, but not otherwise.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

When the context requires, singular nouns and pronouns include the plural.

R BANK, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the property that is evidenced by the note described. The vendor's lien and superior title to the property are retained for the benefit of R BANK, and are transferred to that party without recourse on Grantor.

ANDERSON, NEELY, SMITH, L.P.

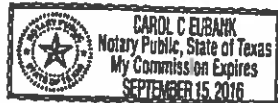
By: ANS PROPERTY MANAGEMENT, LLC,
General Partner

By: Richard S. Anderson
Printed Name: Richard S. Anderson
Title: Sole Member

STATE OF TEXAS)

COUNTY OF Williamson)

This instrument was acknowledged before me on this 24th day of October, 2013, by Richard S. Anderson, the Sole Member of ANS PROPERTY MANAGEMENT, LLC, a Texas limited liability company, on behalf of the company, and the company acknowledged the instrument as General Partner of ANDERSON, NEELY, SMITH, L.P., a Texas limited partnership, on behalf of the partnership.



[Signature]
NOTARY PUBLIC, STATE OF TEXAS

~~AFTER RECORDING, RETURN TO:~~
~~Cameron A. Hobbs~~
~~1614 Laurel Street~~
~~Taylor, Texas 76574~~

EXHIBIT "A"

STATE OF TEXAS
COUNTY OF WILLIAMSON

July 25, 2001

0.214 ACRE

These notes describe that certain tract of land located in the City of Taylor in Williamson County, Texas; subject tract being all of two tracts, namely "Exhibit A and Exhibit B", two tracts which were conveyed in a Deed from Don Bearden, et ux, to Richard M. McNabb, et ux, dated 9-20-91 and recorded in Volume 2060, Page 892 of the Official Records of Williamson County (ORWC), also being all of Lot One (1) and a part of Lot Two (2), Block 56, Doaks Addition to the City of Taylor, plat of which is recorded in Volume 56, Page 483 of the Williamson County Deed Records (WCDR), subject tract being surveyed on the ground under the direct supervision of Bruce Lane Bryan, Registered Professional Land Surveyor No. 4249, on July 25, 2001 and being more fully described as follows:

COMMENCING at a 1/4" Iron Rod found for the Northeast corner of said Block 56 in a line for the West line of Vernon Street; THENCE South 04°25'01" West with a line for the East line of said Block 56, same being for the West line of Vernon Street, passing a 1/4" Iron Rod found for the Northeast corner of Lot Three (3), also for the Southeast corner of Lot Four (4), both of Block 56, at 108.06 feet (c = 108 feet), and continuing with said East line of said Block 56 an additional 84.65 feet to a 1/4" Iron Rod set at the Northeast corner of subject tract, same being for the Northeast corner of said "Exhibit B" and the PLACE OF BEGINNING of this description;

THENCE South 04°25'01" West, continuing with said East line of said Block 56, same being for the West line of Vernon Street and for the East line of said "Exhibit B", a distance of 75.58 feet (c = 76 feet) to a 1/4" Iron Rod set at the Southeast corner of subject tract, same being for the Southeast corner of said "Exhibit B" in a line for the North line of 2nd Street (US Highway No. 79);

THENCE North 86°00'00" West with said the North line of 2nd Street (US Highway No. 79), 40 feet from but parallel to the centerline of same, at 60.88 feet a 1" Iron Pipe (8" below surface) found for the Southwest corner of said "Exhibit B" and for the Southeast corner of said "Exhibit A" bears South 04°00'00" West, 2.72 feet, and continuing with said line an additional 62.39 feet for a total distance of 123.27 feet (c = 125 feet) to a 1/4" Iron Rod set at the Southwest corner of subject tract, same being for the Southwest corner of said "Exhibit A" at a point where a line for the East line of a dedicated alley intersects said North line of 2nd Street (US Highway No. 79);

THENCE North 04°25'01" East with said East line of alley, same being for the West line of said "Exhibit A" and for the West line of said Lot One (1) and Lot Two (2), a distance of 75.58 feet (c = 76 feet) to a 1/4" Iron Rod found for the Northwest corner of said "Exhibit A"; found an additional 1/4" Iron Rod (unable to find any recording of same) bearing North 16°06'54" West, 5.10 feet;

THENCE South 86°00'00" East (Basis of Bearings) with a line for the North line of said "Exhibit A", passing a 1" Iron Pipe found for the Northeast corner of same at 62.72 feet, same being for the Northwest corner of said "Exhibit B", and continuing with a line for the North line of said "Exhibit B" an additional 60.55 feet for a total distance of 123.27 feet (c = 125 feet) to the PLACE OF BEGINNING, containing according to the dimensions herein stated, an area of 0.214 Acre.

Surveyor's Note: Attention is invited to accompanying plat for location of improvements, adjoining information, visible utilities and roadways.


Bruce Lane Bryan

Registered Professional Land Surveyor No. 4249



C/H Georgetown Title Company, Inc.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS 2013101297

Nancy E. Rister

10/25/2013 03:29 PM

CPHELPS \$33.00

NANCY E. RISTER, COUNTY CLERK
WILLIAMSON COUNTY, TEXAS

Unofficial Document

ATTACHMENT 3 -
PROPERTY SITE LAYOUT

version 3 sheet

employees parking
area

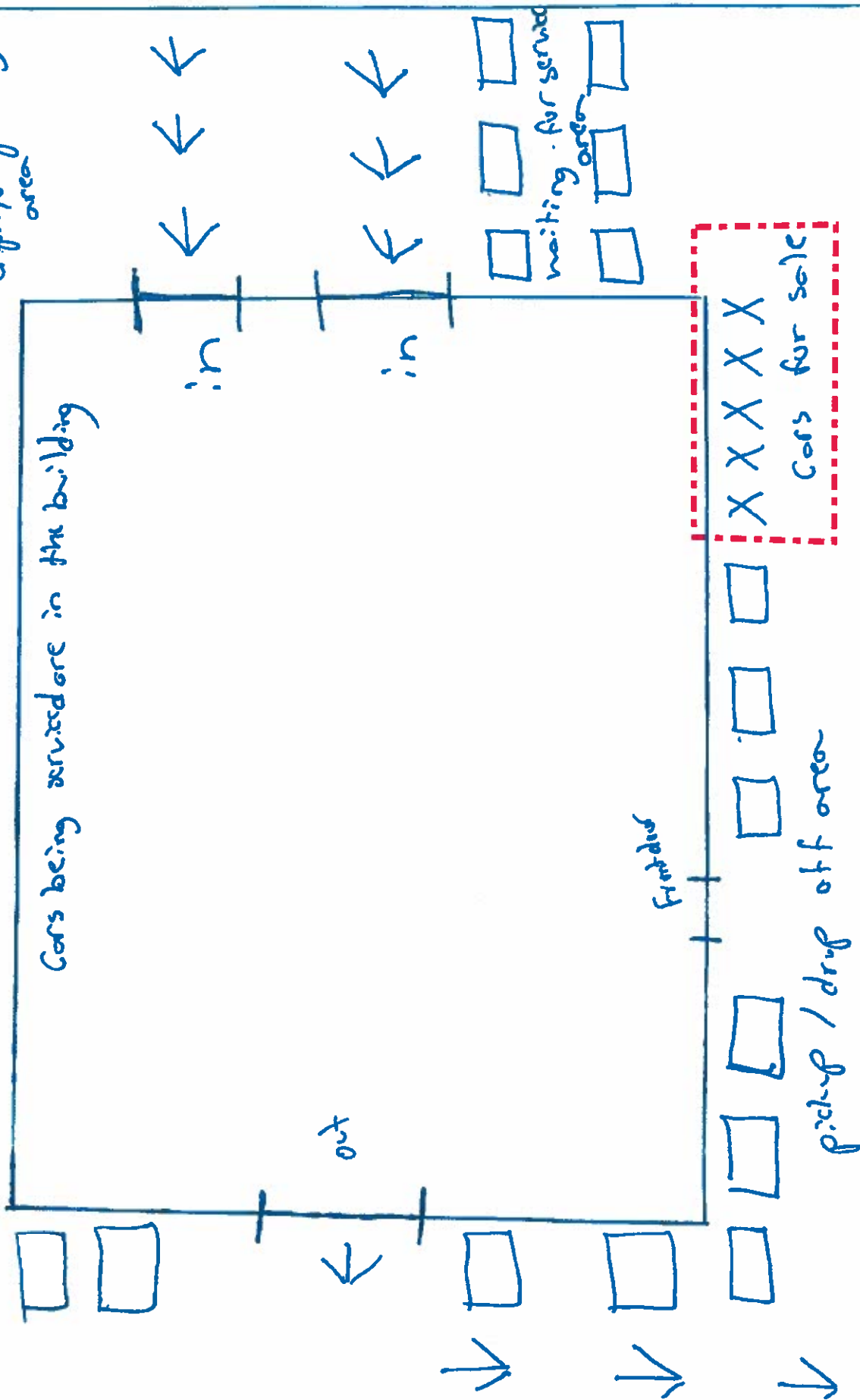


EXHIBIT C

Proposed Conditions of Operation

1. **Applicability** - The Specific Use Permit shall be for Cameron Hobbs (Owner of Property and Premier Automotive) to perform the "New and Used Auto Sales" use located on, and within the existing site features of, the property, as shown on Exhibit B and per these Conditions. No changes or improvements are proposed.
2. **Expiration** - The Specific Use Permit shall cease to be valid when/if Cameron Hobbs is no longer the property tenant, Owner, or operator of the business known as Premier Automotive conducting the "New and Use Auto Sales" use on or within the property.
3. **Outdoor Display #** - Maximum number of for-sale Automobiles to be displayed outside the building shall not exceed five (5).
4. **Outdoor Display Location** - The area for Outdoor display of for-sale Automobiles shall be per Exhibit B, in the southeast corner of the property.
5. All applicable Zoning Ordinance, Building Code, and Fire Code requirements for the establishment of the "New and Used Auto Sale" use shall be met during the Certificate of Occupancy process.

ATTACHMENT 5 - AERIAL - SUP FOR AUTO SALES - 1400 W. 2ND ST.



PZ-2017-1064
2210 West 2nd Street
Specific Use Permit for ‘Florist Shop’
in M-1 District



Applicant Information:

Applicant: Eric & Dana Moehnke (Applicant/Owner).

Applicant Request: Specific Use Permit (SUP) for the “Florist Shop” use in the M-1 Light Industrial Zoning District

Subject Property:

Location: (portion of) 2210 West 2nd Street (west of Debus Drive)

Legal Description: 1.4505 acre W.R. Williams Survey, Abstract 665 (unplatted)

Existing Zoning: M-1 – Light Industrial District

Utilities: Service area of City Water and Wastewater; ONCOR Electric

Existing Use of Property: Developed with a non-residential building and vehicle area.

Adjacent Zoning and Land Use Pattern:

<u>Direction</u>	<u>Current Zoning</u>	<u>Existing Land Use</u>
North	B-1 – Local Commercial District	Multifamily
South	M-1 – Light Industrial District (across 2 nd St.)	(across 2 nd St.) Industrial
East	B-1 – Local Commercial District (across Victoria St.)	Commercial
West	N/A	Roadway interchange

Application Summary

The proposal is to establish the “Florist Shop” specific use in an approximately 1,500 square foot ‘shared’ portion of the existing +/- 5,000 square foot building on this legal nonconforming (both platting status and site development) property, which is not a permitted use in the (current zoning of) M-1 Light Industrial District. The applicant currently operates a custom cabinet manufacturing business (Certificate of Occupancy issued 03-26-15 for a “Manufacturing” use, occupancy limit of 31). The applicant has proposed only one operational condition, being hours of operation, which is captured in the proposed Conditions of Operation further in this report. These Conditions will also be referenced and attached to the Ordinance.

The M-1 District is described in the Zoning Ordinance as ‘concentrate(ing) these uses [light industrial or heavy commercial] in areas of town that will best represent the community as well as protect the character, safety, and general welfare of the surrounding neighborhoods.’

Comprehensive Plan – Future Land Use Map

The City's Future Land Use map, part of the Comprehensive Plan, recognizes this property as being appropriate for "Multifamily". The general area between Sloan Street and the interchange of Carlos G. Parker Blvd. and Highway 79, fronting 2nd Street and northward, is Single-family and some Multifamily. See the clip below from the Future Land Use map, where yellow is Single-family, and Orange is Multifamily. The red south of 2nd Street is planned for Commercial type land uses.



Zoning Ordinance

The City's Zoning Ordinance, in Table 3.8, lists the specific use – "**Florist Shop**" – as being a Permitted (P) use in the DN, B-1, B-2, and B-3 zoning districts, and permitted with a Specific Use Permit (S) in the MF-1 zoning district.

TABLE 3.8 – RETAIL AND SERVICE TYPE USES																
Residential Districts									Misc. Districts			Nonresidential Districts				
R-A	R-1	R-2	R-3	MH	D	M F-1	MF-2	Permitted Uses	DN	I	P	B-1	B-2	B-3	BP-1	BP-2
						S		Florist Shop	P			P	P	P		

There is no definition of 'Floral Shop' in Chapter 11 of the Zoning Ordinance.

Section 8.2 of the City's Zoning Ordinance describes Specific Use Permits; see below:

8.2 - Specific Use Permits

8.2.1 Public Hearing, Review and Recommendation

Before authorization of any specific use permit, the request shall be referred to the Planning and Zoning Commission for their recommendation concerning the effect of the proposed use on the Comprehensive Plan and on the character and development of the area.

Notice of public hearings held by the Planning and Zoning Commission shall be given by sending written notice to all owners of property to which the proposed change would apply and to all owners of property located within two hundred (200) feet of any property affected or to be changed thereby, such notice to be served at least ten (10) days prior to the date set for the public hearing.

A second public hearing shall be held by the City Council before adopting any proposed amendment, supplement, change or modification. Notice of such public hearing shall be given by publication at least one time in a newspaper of general circulation in the City, which notice shall state the time and place of hearing and which date of publication shall be at least ten (10) days prior to the date set for public hearing.

8.2.2 Review and Action

The City Council by an affirmative three-fourths (¾) vote may grant a specific use permit for uses that are otherwise not permitted by-right by this Ordinance, and may impose appropriate conditions and safeguards, including a specified period of time for the permit to protect the Comprehensive Plan and to conserve and protect property values.

Section 8.2.2 allows the City Council to consider an SUP for a use not otherwise permitted by-right in a certain zoning District. Council's approval of such an SUP requires a ¾ majority. The applicant is following this process to request this use.

Analysis

The property is currently utilized as a custom cabinet business, having been established in March of 2015; the property's developed site features pre-date that. The site is principally developed with an approximately 5,000 square foot non-residential building utilized for the cabinet business. The property is fairly large but irregularly shaped (see aerial). Areas historically used for customer parking exists immediately at the entrance to 2nd Street (see image below), with the remainder of the open areas of the property utilized for maneuvering business vehicles and possibly outdoor storage.

The 'florist shop' use is permitted in lesser intense zoning districts, and therefore could be a compatible and less-impactful use in the M-1 district than many otherwise permitted uses. The cabinet business, by its' nature, has a very low customer vehicle demand. It is anticipated that the florist shop use will also have a low customer vehicles generation, as a large percentage of this type of business is done remotely.

Google Street-view (June 2015):



The West 2nd Street corridor is the principal gateway into the City for the majority of trips, and especially of those of people who are new to or visiting Taylor. The roadway, which also acts as Business Highway 79 and underwent a significant reconstruction approximately five years ago, is owned and under maintenance control of the City. A large number of nonconforming uses, buildings, and site improvements exists on both the north and south sides of the roadway.

The appearance and functionality of this street, despite the inherent and built limitations, continues to improve. To date, the City's means of regulating land use, and to that end, the appearance of

development, has been fairly limited. While there are examples of good renovation and new-build development along the corridor, which have brought positive economic growth, there continue to be blighted and underutilized properties that hamper the overall trend of improvement.

The majority of the north side of West 2nd Street, between the interchange and the core downtown area, is the B-1 Local Business District. This is the only property on the north side of 2nd Street to be zoned M-1, Light Industrial district. The cabinet business, a 'Manufacturing' specific use, is a permitted use in the (two) Business Park and (two) Industrial Districts.



Proposed Conditions of Operation

1. **Applicability** - The Specific Use Permit shall be for Eric and/or Dana Moehnke (Owner of Property and/or business to be known as Taylor'd Flowers For You, LLC) to perform the "Florist Shop" use located on, and within approximately 1,500 square feet of the existing site features of the property, per these Conditions. No changes or improvements are proposed.
2. **Expiration** - The Specific Use Permit shall cease to be valid when/if Eric and/or Dana Moehnke is no longer the property tenant, Owner, or operator of the business known as Taylor'd Flowers For You, LLC conducting the "Florist Ship" use on or within the property.

3. Hours of Operation – Monday thru Friday, 9:00 a.m. – 5:00 p.m. Saturday hours during holiday season to be determined.
4. All applicable Zoning Ordinance, Building Code, and Fire Code requirements for the establishment of the “Florist Ship” use shall be met during the Certificate of Occupancy process.

Staff Recommendation

Staff recommends approval of the Specific Use Permit request based on the following findings:

1. The requested use is permitted in “less intense” zoning Districts, therefore in theory would create impacts less than other uses permitted in the M-I District.
2. The requested use is a secondary and additional use to the primary (existing) manufacturing use.
3. The Conditions of Approval are meant to ensure a level of development that would improve upon the existing conditions of the property, and ensure that no negative impacts arise from the proposed use.
4. The Comprehensive Plan Future Land Use map designation of “Multifamily” is not consistent with the current or historical use or development of this particular property.

Attachments:

1. Ordinance 2017-29
2. Ordinance Exhibit A – Legal Description (Survey & Deed)
3. Ordinance Exhibit B – Proposed Conditions of Operation
4. Aerial Photo

ORDINANCE NO. 2017-29

AN ORDINANCE APPROVING A SPECIFIC USE PERMIT FOR PROPERTY BEING 1.4505 ACRES OUT OF THE W.R. WILLIAMS SURVEY, ABSTRACT NO. 665, LOCATED AT 2210 WEST SECOND STREET IN TAYLOR, WILLIAMSON COUNTY, TEXAS, FOR A FLORIST SHOP USE IN THE LIGHT INDUSTRIAL DISTRICT M-1; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF TAYLOR, TEXAS, TO SHOW THE SPECIFIC USE PERMIT ADOPTED HEREIN; PROVIDING A SAVINGS CLAUSE.

WHEREAS, the Taylor City Council conducted a public hearing on October 26, 2017, to consider the request made by Eric and Dana Moehnke, as Applicant and Owner of the property, which property is legally described in Exhibit "A" attached hereto and incorporated by reference herein for all purposes ("Property"), to request a Specific Use Permit for a Florist Shop use, which is not a use permitted within the M-1 Light Industrial District; and

WHEREAS, the Planning and Zoning Commission, after proper notice, conducted a public hearing on October 10, 2017, to consider the Specific Use Permit, and recommended the Specific Use Permit to the City Council; and

WHEREAS, per Zoning Ordinance Section 8.2.2, the City Council by an affirmative three-fourths (3/4) vote may grant a Specific Use Permit for uses that are otherwise not permitted by-right by this Ordinance, and may impose appropriate Conditions and safeguards, including a specified period of time for the permit to protect the Comprehensive Plan and to conserve and protect property values.

WHEREAS, the City Council, after the public hearing, approves the request for the Specific Use Permit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR, TEXAS, that:

SECTION 1. The facts and recitations contained in the preamble of this Ordinance are hereby declared to be true and correct and are incorporated by reference herein and made a part hereof, as if copied verbatim.

SECTION 2. The Property is approved for a Specific Use Permit to allow a Florist Shop use per the Conditions of Operation contained in Exhibit "B".

SECTION 3. All other terms and conditions contained in the official zoning map, except as amended herein, shall continue and remain in full force and effect.

SECTION 4. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of the provisions thereof, other than the part so decided to be invalid or unconstitutional

SECTION 6. In accordance with Article VIII of the City Charter, Ordinance 2017-29 was introduced before the Taylor City Council on the 10th day of October, 2017.

PASSED, APPROVED, and ADOPTED on the _____ day of _____, 2017.

Jesse Ancira, Jr,
Mayor

ATTEST:

Susan Brock, City Clerk

APPROVED AS TO FORM:

Ted W. Hejl,
City Attorney

CERTIFICATE

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

I, Susan Brock, being the current City Clerk of the City of Taylor, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2017-29, passed and approved by the City Council of the City of Taylor, Texas, on the _____ day of _____, 2017, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this _____ day of _____, 2017.

Susan Brock
City Clerk

EXHIBIT A

[Legal Description – Survey/Field Notes]

DRAFT

EXHIBIT B

CONDITIONS OF OPERATION

DRAFT

Notes: Diagrams contained in Vol. 285 Pg. 207 Vol. 297 Pg. 228 Vol. 310 Pg. 234 and Vol. 330 Pg. 235 do not apply to this lot.



City 92010501/CS
dated Dec. 04, 1992
per Britlene C. Bister

To the owners, lessors, lessees, mortgagees, longshore title company.

The undersigned does hereby certify that the plat above accurately represents the results of a survey on the ground under the supervision of the undersigned and that there are no discrepancies, omissions, or errors in area, boundary line conflicts, encroachments, overlapping improvements, visible utility encroachments, except as shown, that all matters are as shown.

The property indicated herein is not within a special flood hazard area as shown on Community Flood Insurance Rate Maps of the 72000 Louisiana State Map prepared for the City of Taylor, Williamson County, Texas. Effective Date: March 1, 1992.

U. S. NAVY 79



SURVEY OF
1.4504 ACRES OUT OF THE W. R. WILLIAMS SURVEY
ABSTRACT NO. 665 IN WILLIAMSON COUNTY, TEXAS.
BEING THE SAME TRACT DESCRIBED IN VOLUME 366 PAGE 406
SAVE AND EXCEPT A 0.009 ACRE TRACT CONVEYED TO THE STATE
OF TEXAS IN VOLUME 513 PAGE 210 BOTH OF THE WILLIAMSON
COUNTY, TEXAS DEED RECORDS.

CRICHTON
AND ASSOCIATES
LAND SURVEYORS

11 W. ANDERSON, LANE, L-307
ARLINGTON, TEXAS 76010
817-461-1178

DATE: 8-15-93	JOB NO. 95-009
SCALE: 1"=40'	FILE NO. 1-007

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED WITH VENDOR'S LIEN

Date: December 18, 2014

Grantor: CHRISTOPHER L. HULLINGER and JAMES F. GOODMAN, each owning, occupying and claiming other property as homestead

Grantor's Mailing Address:

2 Forest Mesa
Round Rock, Williamson County, Texas 78664

Grantee: ERIC W. MOEHNKE and wife, DANA L. MOEHNKE

Grantee's Mailing Address:

203 Commercial Drive
Taylor, Williamson County, Texas 76574

Consideration: Cash and a note that is in the principal amount of TWO HUNDRED THIRTY-SIX THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$236,500.00) and is executed by Grantee, payable to the order of City National Bank of Taylor, Texas. The note is secured by a vendor's lien retained in favor of City National Bank of Taylor, Texas in this Deed and by a Deed of Trust from Grantee to Andrew D. Littlejohn, Trustee.

Property:

Being a 1.4504 acre tract of land out of the W. R. WILLIAMS SURVEY, Abstract No. 665, in Williamson County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof.

Reservations from and Exceptions to Conveyance and Warranty:

Liens described as part of the Consideration and any other liens described in this Deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, and other instruments that affect the Property.

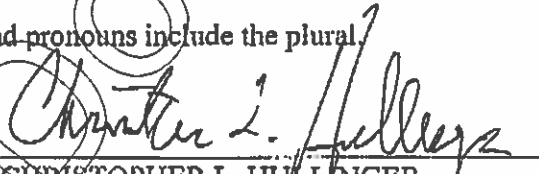
9901-14-1071

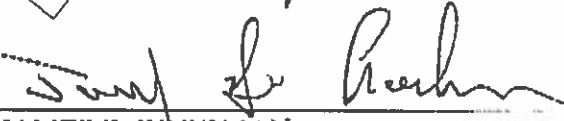
Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all singular the rights and appurtenances thereto in any wise belonging to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

City National Bank of Taylor, Texas, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property, are retained for the benefit of City National Bank of Taylor, Texas and are transferred to City National Bank of Taylor, Texas without recourse against Grantor.

The vendor's lien against and superior title to the property are retained until the note described herein is fully paid according to its terms, at which time this deed shall become absolute.

When the context requires, singular nouns and pronouns include the plural.

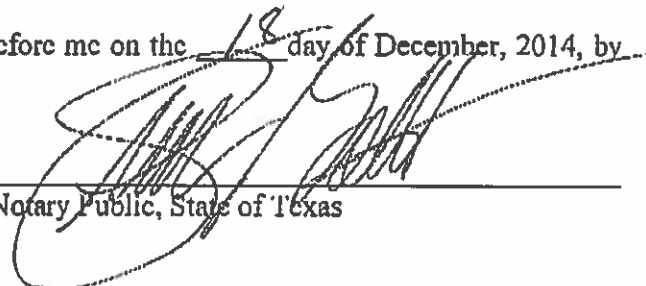

CHRISTOPHER L. HULLINGER

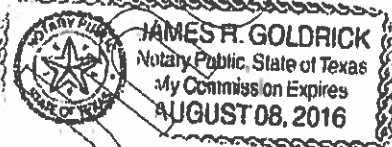

JAMES F. GOODMAN

STATE OF TEXAS

COUNTY OF WILLIAMSON

This instrument was acknowledged before me on the 18 day of December, 2014, by
CHRISTOPHER L. HULLINGER.

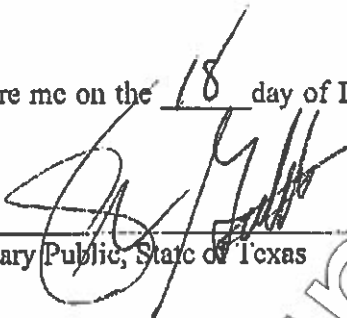

Notary Public, State of Texas



STATE OF TEXAS *

COUNTY OF WILLIAMSON *

This instrument was acknowledged before me on the 18 day of December, 2014, by
JAMES F. GOODMAN.



Notary Public, State of Texas

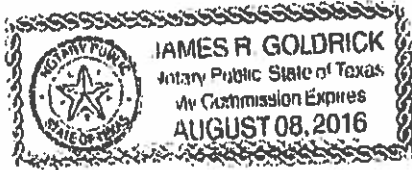


EXHIBIT "A"

Being a 1.4504 acre tract of land out of the W.R. WILLIAMS SURVEY, ABSTRACT NO. 685, in Williamson County, Texas, being the same tract described in Volume 366, Page 402, Deed Records of Williamson County, Texas, save and except a 0.009 acre tract conveyed to the State of Texas in Volume 513, Page 240, Deed Records of Williamson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pipe found on the North right-of-way of U.S. Highway 79 at the Southwest corner of a tract conveyed to Steffek in Volume 1553, Page 482, Deed Records of Williamson County, Texas, for the Southeast corner of this tract and the **POINT OF BEGINNING**.

THENCE S 89° 12' 15" W, with the North right-of-way of U.S. Highway 79, 251.97 feet to an iron pin set at the East corner of said 0.009 acre tract;

THENCE N 61° 15' 25" W, with the North line of said 0.009 acre tract, 45.34 feet to a concrete highway monument found at the intersection of the North right-of-way of U.S. Highway 79 and the East right-of-way of Loop 427 for the Southwest corner of this tract;

THENCE N 15° 30'00" W, with the East right-of-way of Loop 427, 277.81 feet to an iron pipe found at the Southwest corner of a tract conveyed to Taylor Housing Project in Volume 1894, Page 526 of the Deed Records of Williamson County, Texas, for the Northwest corner of this tract;

THENCE S 66°21'43" E, with the South line of said Taylor Housing Project tract, 381.66 feet to an iron pipe found at the Northwest corner of said Steffek tract for the Northeast corner of this tract;

THENCE S 06°59'17"E, with the West line of said Steffek tract, 133.97 feet to the **POINT OF BEGINNING** and containing 1.4505 acre more or less.

2014104188

Electronically Recorded
OFFICIAL PUBLIC RECORDS

Nancy E. Rister

Nancy E. Rister, County Clerk
12/31/2014 1:54 PM

Pages: 4 Fee: \$33.00
Williamson County Texas

EXHIBIT B

Proposed Conditions of Operation

1. **Applicability** - The Specific Use Permit shall be for Eric and/or Dana Moehnke (Owner of Property and/or business to be known as Taylor'd Flowers For You, LLC) to perform the "Florist Shop" use located on, and within approximately 1,500 square feet of the existing site features of the property, per these Conditions. No changes or improvements are proposed.
2. **Expiration** - The Specific Use Permit shall cease to be valid when/if Eric and/or Dana Moehnke is no longer the property tenant, Owner, or operator of the business known as Taylor'd Flowers For You, LLC conducting the "Florist Ship" use on or within the property.
3. **Hours of Operation** – Monday thru Friday, 9:00 a.m. – 5:00 p.m. Saturday hours during holiday season to be determined.
4. All applicable Zoning Ordinance, Building Code, and Fire Code requirements for the establishment of the "Florist Ship" use shall be met during the Certificate of Occupancy process.



PZ-2017-1065
1100 West 2nd Street
Specific Use Permit for ‘Motorcycle
Sales and Repair’ in B-1 District



Applicant Information:

Applicant: Corey Dennen/Spectrum Motors (Tenant) and Larry Melde (Owner).

Applicant Request: Specific Use Permit (SUP) for the “Motorcycle Sales and Repair” use in the B-1 Zoning District

Subject Property:

Location: 1100 West 2nd Street (corner of Victoria Street)

Legal Description: Doak Addition, Block 53, Lot 15

Existing Zoning: B-1 – Local Business District

Utilities: Service area of City Water and Wastewater; ONCOR Electric

Existing Use of Property: Developed with a non-residential building and parking lot.

Adjacent Zoning and Land Use Pattern:

<u>Direction</u>	<u>Current Zoning</u>	<u>Existing Land Use</u>
North	B-1 – Local Commercial District	Single-family detached
South	M-1 – Light Industrial District (across 2 nd St.)	(across 2 nd St.) Industrial
East	B-1 – Local Commercial District (across Victoria St.)	(across Victoria St.) Commercial
West	B-1 – Local Commercial District	Single-family detached

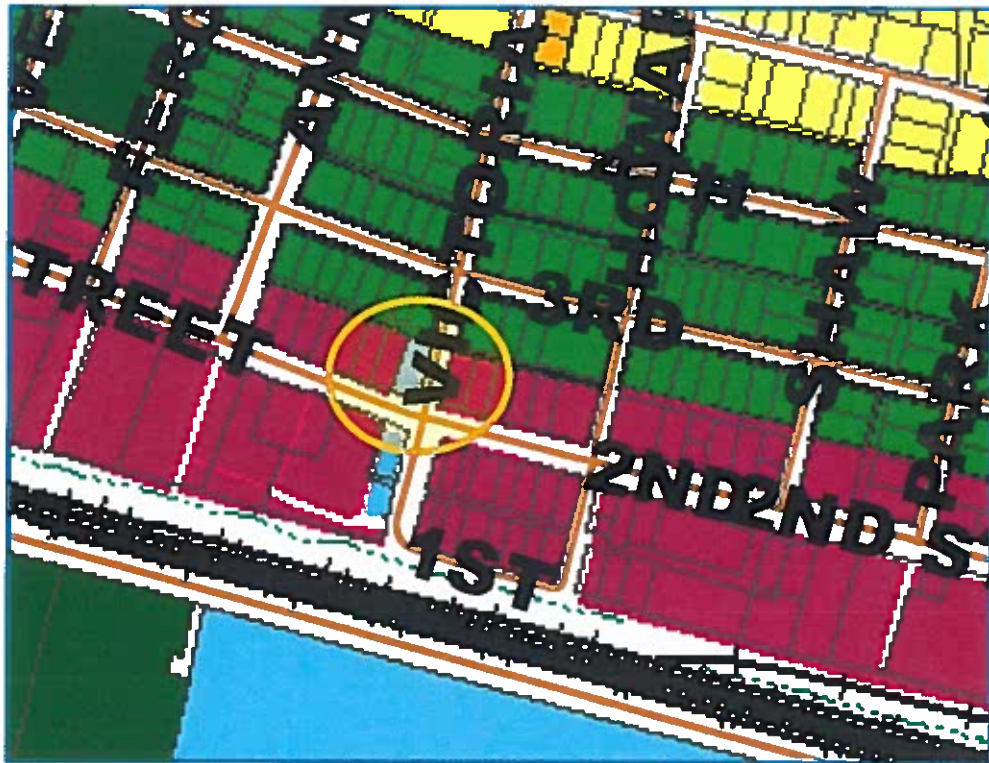
Application Summary

The proposal is to establish the “Motorcycle Sales and Repair” specific use on this platted property, which is not a permitted use in the (current zoning of) B-1 Local Business District. In April 2017, the applicant’s request to rezone the property to the B-2, General Business District, was denied by City Council. That rezoning request, though not tied to any specific use or development, was based on the applicants stated desire to be able to sell motorcycles from the property, as well as do incidental repair work of to-be-sold motorcycles.

The B-1 District is described in the Zoning Ordinance as ‘provid(ing) for adequate high-density commercial development within the City, while maintaining consistency and continuity within the community.’

Comprehensive Plan – Future Land Use Map

The City's Future Land Use map, part of the Comprehensive Plan, recognizes this property as being appropriate for "Semi-Public/Institutional". All other properties along the north and south sides of 2nd Street are planned for 'Commercial' uses. At this time, an exact reasoning for the very specific identification of this property and the one directly across the street for a category other than "Commercial" is unknown. Regardless, the entire corridor is appropriate for non-residential and commercial oriented uses and development. The scope, scale, and intensity of that development is governed by the zoning districts and their provisions. Uses constituting 'semi-public' and 'institutional' development can be a component of a 'commercial' corridor where appropriate, on a case by case consideration. See the clip on the next page from the Future Land Use map, which clearly shows the expected trend of general uses (red is Commercial, green is Downtown Neighborhood).



Zoning Ordinance

The City's Zoning Ordinance, in Table 3.10, lists the specific use – **"Motor Cycle Sales and Repair"** – as being a Permitted (P) use in the B-2, M-1, and M-2 zoning districts.

TABLE 3.10 — AUTOMOBILE AND RELATED USES																
Residential Districts									Misc. Districts			Nonresidential Districts				
R-A	R-1	R-2	R-3	MH	D	M F-1	MF-2	Permitted Uses	DN	I	P	B-1	B-2	B-3	BP-1	BP-2
								Boat Sales					P			P
								Motor Cycle Sales and Repair					P			P

Chapter 11 of the Ordinance defines this use as:

Motorcycle Sales and Repair - The display, sale and/or servicing, including repair work, of motorcycles.

Section 8.2 of the City's Zoning Ordinance describes Specific Use Permits; see below:

8.2 - Specific Use Permits

8.2.1 Public Hearing, Review and Recommendation

Before authorization of any specific use permit, the request shall be referred to the Planning and Zoning Commission for their recommendation concerning the effect of the proposed use on the Comprehensive Plan and on the character and development of the area.

Notice of public hearings held by the Planning and Zoning Commission shall be given by sending written notice to all owners of property to which the proposed change would apply and to all owners of property located within two hundred (200) feet of any property affected or to be changed thereby, such notice to be served at least ten (10) days prior to the date set for the public hearing.

A second public hearing shall be held by the City Council before adopting any proposed amendment, supplement, change or modification. Notice of such public hearing shall be given by publication at least one time in a newspaper of general circulation in the City, which notice shall state the time and place of hearing and which date of publication shall be at least ten (10) days prior to the date set for public hearing.

8.2.2 Review and Action

The City Council by an affirmative three-fourths (¾) vote may grant a specific use permit for uses that are otherwise not permitted by-right by this Ordinance, and may impose appropriate conditions and safeguards, including a specified period of time for the permit to protect the Comprehensive Plan and to conserve and protect property values.

Section 8.2.2 allows the City Council to consider an SUP for a use not otherwise permitted by-right in a certain zoning District. Council's approval of such an SUP requires a ¾ majority. The applicant is following this process to request this project.

Analysis

The property is currently developed with a 1,920 square foot non-residential building that has hosted various commercial businesses. It is relatively small (approximately 0.22 acre, 75 feet of frontage, 140 foot deep), with on-site parking areas on the south and east sides of the building. It is limited in the size and capacity for some particular (B-1 District) permitted uses that could be performed on the property, but is ideally suited for retail or service uses, as it has been used in the recent past.

Photo Taken October 6, 2017



The West 2nd Street corridor is the principal gateway into the City for the majority of trips, and especially of those of people who are new to or visiting Taylor. The roadway, which also acts as Business Highway 79 and underwent a significant reconstruction approximately five years ago, is owned and under maintenance control of the City. A large number of nonconforming uses, buildings, and site improvements exists on both the north and south sides of the roadway. Many of the properties are very old, in poor condition, and suffer from the original lot layout that occurred in the Doak Addition (circa 1891), which created small, residential-scale (at the time) lots. Most have transitioned to non-residential uses, which is appropriate when fronting a four-to-five lane roadway, but do not lend themselves well to harmonious non-residential development per modern development standards.

The appearance and functionality of this street, despite the inherent and built limitations just noted, continues to improve. To date, the City's means of regulating land use, and to that end, the appearance of development, has been fairly limited. While there are examples of good renovation and new-build development along the corridor, which have brought positive economic growth, there continue to be blighted and underutilized properties that hamper the overall trend of improvement.

The current zoning designation of the north side of West 2nd Street, which extends north to 3rd Street, and from Talbot Street to the interchange with the Highway 79 by-pass, is the B-1 Local Business District. Three (3) properties (500, 1108, and 1504 West 2nd Street) have achieved higher zoning of the B-2 District, while City records indicate a Specific Use Permit was approved (Ordinance 2016-01, 02-25-16) for the 'major automotive repair (not including painting)' use at 922 West 2nd Street.

Proposed Conditions of Operation

1. **Applicability** - The Specific Use Permit shall be for Corey Dennen (Applicant/Lease Tenant of Property) to perform the "Motorcycle Sales and Repair" use located on, and within the existing site features of, the property. No changes or improvements are proposed.
2. **Expiration** - The Specific Use Permit shall cease to be valid when/if Corey Dennen is no longer the property tenant (and/or Owner), and/or Operator of a "Motorcycle Sales and Repair" use on or within the property.
3. **Hours of operation** - shall be Monday by appointment; Tuesday – Friday, 10:00 a.m. to 6:00 p.m.; Saturday 10:00 a.m. to 5:00 p.m.
4. **Outdoor Display #** - Maximum number of motorcycles displayed outside the building and/or opaque fenced areas of the property shall not exceed _____.
5. **Outdoor Display Location** - The areas for Outdoor display of motorcycles shall be _____.
6. **Repair Location** – Repair work of motorcycles shall only occur within the existing building and behind the existing opaque fence in the rear (north) of the property.
7. All applicable Zoning Ordinance, Building Code, and Fire Code requirements for the establishment of the "Motorcycle Sales and Repair" use shall be met during the Certificate of Occupancy process.

Staff Recommendation

Staff recommends approval of the Specific Use Permit request - with the caveat that details regarding the number and location of outdoor display of motorcycles is provided, and clarification of the location of repairs, are provided by the applicant OR determined by the Commission – and based on the following findings:

1. The Conditions of Approval are meant to ensure a level of development that would improve upon the existing conditions of the property, and ensure that no negative impacts arise from the proposed use compared to those that could be expected from by-right permitted uses eligible to occur on the property.
2. The Comprehensive Plan Future Land Use map, despite the parcel-specific designation of ‘Semi-public/Institutional’, establishes the northern side of West 2nd Street as being appropriate for “Commercial” uses. This category is a wide-ranging distinction, and does not provide adequate guidance as to whether the sale and/or repair of motorcycles is an inappropriate “commercial” use.

Attachments:

1. Proposed Ordinance 2017-28
2. Ordinance Exhibit A – Legal Description (Survey)
3. Ordinance Exhibit B – Conditions of Operation
4. Aerial Photo

ORDINANCE NO. 2017-28

AN ORDINANCE APPROVING A SPECIFIC USE PERMIT FOR PROPERTY BEING DOAK'S ADDITION, BLOCK 53, LOT 15, LOCATED AT 1100 WEST SECOND STREET IN TAYLOR, WILLIAMSON COUNTY, TEXAS, FOR A MOTORCYCLE SALES AND REPAIR USE IN THE LOCAL BUSINESS DISTRICT B-1; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF TAYLOR, TEXAS, TO SHOW THE SPECIFIC USE PERMIT ADOPTED HEREIN; PROVIDING A SAVINGS CLAUSE.

WHEREAS, the Taylor City Council conducted a public hearing on October 26, 2017, to consider the request made by Corey Dennen and Larry Melde, as Applicant and Owner of the property, respectively, which property is legally described in Exhibit "A" attached hereto and incorporated by reference herein for all purposes ("Property"), to request a Specific Use Permit for a Motorcycle Sales and Repair use, which is not a use permitted within the B-1 Local Business District; and

WHEREAS, the Planning and Zoning Commission, after proper notice, conducted a public hearing on October 10, 2017, to consider the Specific Use Permit, and recommended the Specific Use Permit to the City Council; and

WHEREAS, per Zoning Ordinance Section 8.2.2, the City Council by an affirmative three-fourths (3/4) vote may grant a Specific Use Permit for uses that are otherwise not permitted by-right by this Ordinance, and may impose appropriate Conditions and safeguards, including a specified period of time for the permit to protect the Comprehensive Plan and to conserve and protect property values.

WHEREAS, the City Council, after the public hearing, approves the request for the Specific Use Permit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR, TEXAS, that:

SECTION 1. The facts and recitations contained in the preamble of this Ordinance are hereby declared to be true and correct and are incorporated by reference herein and made a part hereof, as if copied verbatim.

SECTION 2. The Property is approved for a Specific Use Permit to allow a Motorcycle Sales and Repair use per the attached Conditions of Operation contained in Exhibit "B".

SECTION 3. All other terms and conditions contained in the official zoning map, except as amended herein, shall continue and remain in full force and effect.

SECTION 4. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of the provisions thereof, other than the part so decided to be invalid or unconstitutional

SECTION 6. In accordance with Article VIII of the City Charter, Ordinance 2017-28 was introduced before the Taylor City Council on the 10th day of October, 2017.

PASSED, APPROVED, and ADOPTED on the _____ day of _____, 2017.

Jesse Ancira, Jr,
Mayor

ATTEST:

Susan Brock, City Clerk

APPROVED AS TO FORM:

Ted W. Hejl,
City Attorney

CERTIFICATE

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

I, Susan Brock, being the current City Clerk of the City of Taylor, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2017-28, passed and approved by the City Council of the City of Taylor, Texas, on the _____ day of _____, 2017, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this _____ day of _____, 2017.

Susan Brock
City Clerk

EXHIBIT A

[Legal Description – Survey/Field Notes]

DRAFT

EXHIBIT B

CONDITIONS OF OPERATION:

DRAFT

Attachement 2 - Ordinance Exhibit A - Survey & Legal Description

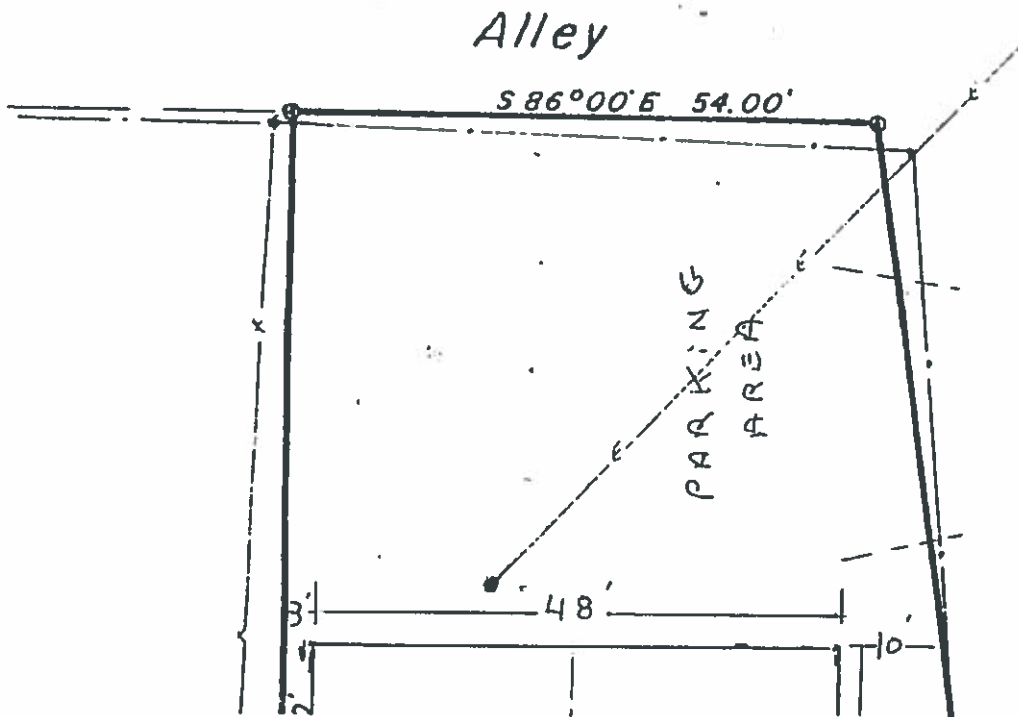
SURVEY PERFORMED FOR LARRY MELDE

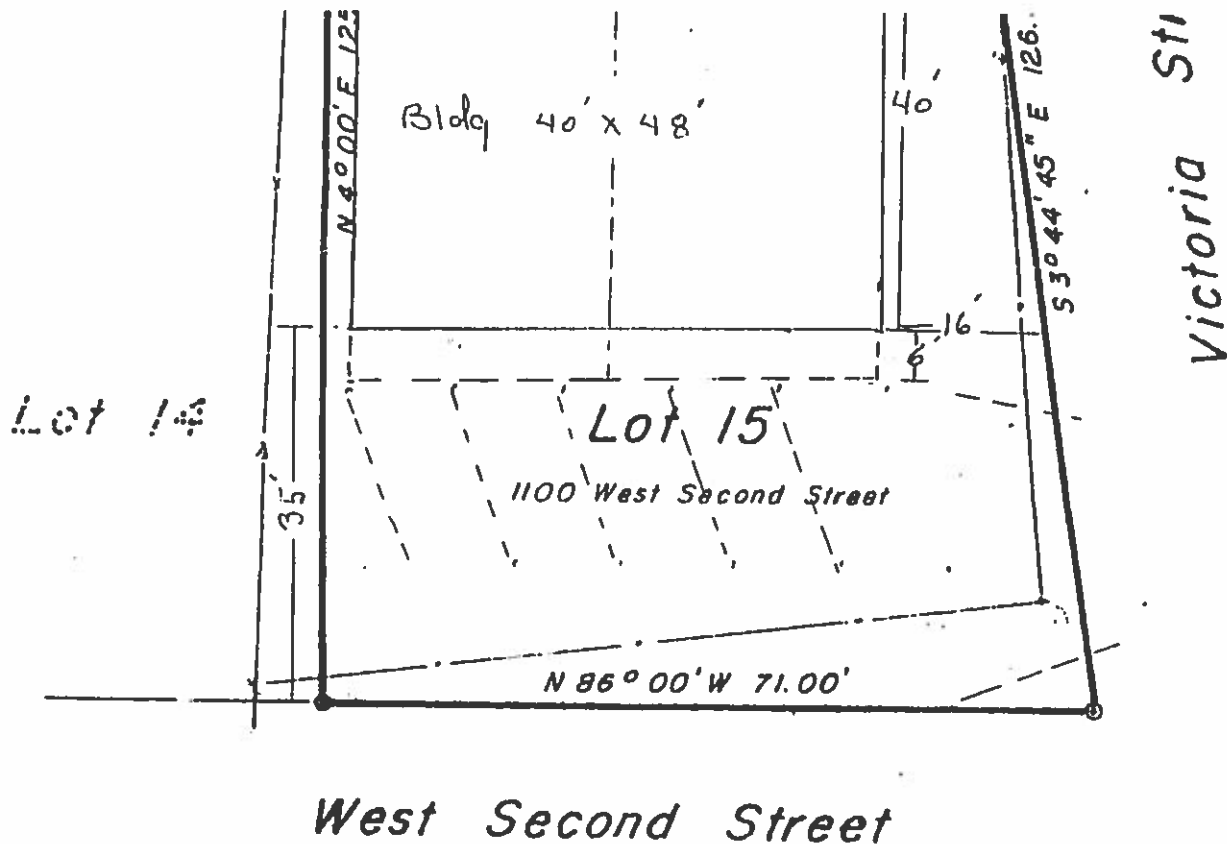
REMOVEMENT SURVEY OF LOT 15, BLOCK 53 OF DOAK'S ADDITION TO THE
CITY OF TAYLOR

RECORD IN VOLUME 56, PAGE 483 OF THE DEED RECORDS OF
WILLIAMSON COUNTY, TEXAS.

METER DESCRIPTION: ATTACHED
X NOT REQUIRED

SCALE: 1" = 20'
LEGEND: IRON PIN FOUND ●
IRON PIN SET ○





R. T. MAGNESS, JR., REGISTERED
 PROFESSIONAL LAND SURVEYOR, DO HEREBY
 CERTIFY THAT THE ABOVE PLAT CORRECTLY
 REPRESENTS THE PROPERTY AS DETERMINED BY
 AN ON-THE-GROUND SURVEY PERFORMED UNDER
 MY SUPERVISION AND DIRECTION ON THE 6th
 DAY OF JUNE, 1995; THE

FLOOD STATEMENT: I HAVE EXAMINED THE FEDERAL INSURANCE
 ADMINISTRATION'S FLOOD HAZARD MAP FOR WILLIAMSON
 COUNTY, TEXAS, COMMUNITY NO. 48491-C, EFFECTIVE DATE
 OF SEPT. 27, 1991 AND THAT MAP INDICATES THAT THE
 PROPERTY IS NOT WITHIN ZONE A (SPECIAL FLOOD HAZARD
 AREA) AS SHOWN ON PANEL 0266 C OF SAID MAP.
 WARNING: IF THIS SITE IS NOT WITHIN AN IDENTIFIED SPECIAL

EXHIBIT B

Proposed Conditions of Operation

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